

# Devonshire Cluster Association

---

Dear Devonshire Homeowner:

Enclosed is a copy of a resolution recently adopted by the Board of Directors concerning assessments, late fees, and collections. The policies set forth in this resolution take effect on **January 15, 2012**.

If you have any questions or need additional information, please contact one of the Board members or Devonshire's property manager, Kori Lord of American Management of Virginia.

Best wishes from all of us for a safe and happy holiday.

Sincerely,

Devonshire Cluster Board of Directors

Kathy Chaale

Eric Johnson

Brian McConville

**Devonshire Policy Resolution No. 2012-1**  
(Policies & Procedures Regarding Late Fees & Collection of Assessments)

---

WHEREAS, Article II, Section I of the Bylaws of the Devonshire Cluster Association (the "Association") provides that each member of the Association shall be personally responsible for the payment of the assessment on his or her lot; and

WHEREAS, Article II, Section I of the Bylaws authorizes the Board of Directors to suspend any person from membership in the corporation for failure to timely pay any assessment when due and payable; and

WHEREAS, Article IV, Section 1, of the Bylaws of the Devonshire Cluster Association (the "Association") assigns to the Board of Directors the authority to govern the Association; and

WHEREAS, Article IV, Section 10 provides that the Board of Directors shall have all powers and rights specifically set forth in Article VII, Section VII.1(d)(2) of the Deed of Amendment to the Deeds of Dedication of Reston (the "Deed of Amendment"); and

WHEREAS, Article VII, Section VII.1(d)(2) of the Deed of Amendment provides that the Board of Directors shall have all powers needed to carry out the purposes of the Association as permitted by law and not reserved to the members; and

WHEREAS, Article VII, Section VII.1(d)(2)(a)-(c) of the Deed of Amendment authorizes the Board of Directors to permit the payment of the annual cluster assessment in installments, to charge late fees and interest on delinquent cluster assessments, and to assess attorneys' fees and court costs; and

WHEREAS, the Board of Directors has determined that it is in the best interest of the Association and its members to promulgate rules aimed at ensuring timely payment of cluster assessments,

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors has adopted the following provisions with respect to cluster assessments and these provisions replace all previous provisions on this issue.

**1. DUE DATES, FEES AND CHARGES, AND COLLECTION PROCEDURES**

- 1.1 One-fourth of the Annual Assessment is due on the 1st day of each quarter (January 1st, April 1st, July 1st, and October 1st) (Due Date).
- 1.2 Special Assessments are due on the 1st day of the month following the notice of the Special Assessment provided 21 days elapse between the mailing of the notice and the 1st day of the following month.
- 1.3 The Board of Directors shall have the authority, on a case-by-case basis, to waive the procedures identified in 1.4, 1.6, and 1.7 upon majority vote.
- 1.4 Lot owners that have not paid an assessment within one month of the due date shall incur a late fee of \$50. An additional \$50 late fee will be charged on the first of every subsequent month until the lot owner's outstanding balance is paid in full.
- 1.5 Each month, a new statement of account, showing the lot owner's outstanding balance, including any late fees, shall be sent by mail to the lot owner's address of record until the lot owner's outstanding balance is paid in full.
- 1.6 If a lot owner's outstanding balance is 90 days overdue and greater than one-fourth of the annual assessment, the account shall be turned over to the Association's attorneys to recover the outstanding balance through all means available under the Property Owners' Association Act. Attorneys' fees associated with appropriate legal action shall be added to the Outstanding Balance prior to the attorneys' notifying the lot owner of impending legal action.

**2. ADDITIONAL RESTRICTIONS**

2.1 A lot owner whose membership in the corporation is suspended for failure to timely pay an assessment may be denied the following:

2.1.1 To vote in elections of the Board of Directors or on motions raised in a general meeting of lot owners or the Association.

2.1.2 To use common property for any purpose (except ingress and egress from the lot owned).

Duly adopted at a meeting of the Board of Directors held on NOVEMBER 7, 2011.

Motion by: BRIAN MCCONVILLE

Seconded by: KATHY CHAALC

[Signature] Vote:  
 \_\_\_\_\_  
 President

\_\_\_\_\_  
 Vice President  
[Signature]  
 Secretary

Yes	No	Abstain	Absent
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:  
[Signature]  
 Secretary

12/13/11  
 Date

I hereby certify that this resolution was sent to all owners of record this 14 day of DEC. 2011 2011.

[Signature] Property Mgr.